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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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04/11/2001

Henry Ross Perot

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EXAMINER

DASS, HARISH T

ART UNIT

PAPER NUMBER

3693

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/834,035	<b>Applicant(s)</b> PEROT ET AL.	
	<b>Examiner</b> Harish T. Dass	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 19-27, 30-39 and 41-49 is/are pending in the application.
- 4a) Of the above claim(s) 50-68 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 19-27, 30-39, 41-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Claims 17-18, 28-29, 40 are canceled.

Claims 50-68 are withdrawn.

**Acknowledgement:** Thank attorney Barton Showalter (Reg. 38,302) for providing reference pages (page 7 lines 5-8 and page 14 line 4) for the support limitation "a transactional relay component ..."

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 and 48-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "a transactional relay component" in claim 1 is used by the claim to mean "storage device", while the accepted meaning is not known (per examiner's knowledge). The term is indefinite because the specification does not clearly redefine the term, whether it is a software, hardware or part of transaction record, data, etc.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 and 48-49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez-Holmann (hereinafter Fernandez – US 5,787,404) in view of Seto et al (hereinafter Seto – US 6,157,914) and Nieboer et al (hereinafter Nieboer – US 6,418,419).

Re. Claim 1, Fernandez discloses a computerized method and system for establishing a credit card based account for benefit of credit card holder and providing an investment fund suitable for retirement based on credit [Abstract; Figures 1, 4], an identifier (investment account which inherently has account number and customer associated record) that identifies a customer relative to an ownership position in a company (long term investment and accumulated funds) [col. 4 line lines 45-65],

a transactional component that facilitates an economic transaction wherein the economic transaction comprises a purchasing or ordering of goods or services from the company, one or more economic transactions representing economic activity, and economic activity with the customer for determining entitlement of ownership of stocks in the company [col. 1 lines 5-21; col. 2 lines 23-36 – see a 401(k) account, .. and the

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like (self directed pension plan); col. 5 line 47 to col. 6 line 3], and economic transaction and economic activity (point-of-sale transactions ) [col. 1 lines 54-63].

Fernandez does not explicitly disclose a transactional relay component, communicatively coupled to the transactional component, that facilitates a response to a server system regarding the transaction, the response including the identifier for the server system to locate additional information on the customer and to associate the activity with the customer.

However, database and database management for banking, credit card companies and financial institutions are well known where customers account and activities are recorded and managed (updated, saved, retrieved, reported, monitored, etc.).

Seto discloses a transactional relay component (storage system, personal computer, smart card), communicatively coupled to the transactional component, that facilitates a response to a server system (centralized management system) regarding the transaction (patient data history), the response including the identifier for the server system to locate additional information on the customer and to associate the activity with the customer (patient or client) [Abstract, figures 3 (computer network connectivity), 4 (hospital or location ID), 6 (system ID), 14 (information storage system, computer, centralized management system) and associated descriptions].

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Fernandez and include a database management system for customers economic activities, and

a transactional relay component, communicatively coupled to the transactional component, that facilitates a response to a server system regarding the transaction, the response including the identifier for the server system to locate additional information on the customer and to associate the activity with the customer, as disclosed by Seto, to provide a database system for manages and stores customer's information (such as: accounts, rebate information, etc), where the system allow updating, retrieving, storing (saving) customer's information locally or remotely.

Nieboer discloses client/ server communication through an interconnected network [Figures 1-3; C1 L5-L42; C2 L40-L43].

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Fernandez and Seto and include client/server system to allow the a transactional relay component to utilize client/server configuration for storing and managing customer's information and use of cost effective public internet network for communication system from any where.

Re. Claims 2 and 4, Nieboer further discloses wherein the client communicates to the server through an interconnected network [Figures 1-3; C1 L5-L42; C2 L40-L43], and wherein the economic transaction is a transaction taking place through an interconnected network [Figures 1-3; C1 L5-L42; C2 L40-L43]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Fernandez and Seto and include wherein the client communicates to the server through an interconnected network, and wherein the

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economic transaction is a transaction taking place through an interconnected network to allow the a transactional relay component to utilize client/server configuration for storing and managing customer's information and use of cost effective public internet network for communication system from any where.

Re. Claims 3, 5-12, 48-49 Seto further discloses wherein the transactional relay component is a mass storage device, wherein the transactional component is circuitry facilitating a transaction (IC card) [see claim 1; col. ], the other source comprising a personal digital assistant (workstation such as PC) [Figure 14 # 21], and wherein the identifier is received from another source (database) [Figure 11B and associated description].

Nieboer further discloses wherein the server system associates the economic activity with the ownership position of the customer [C5 L15 to C6 L40]. Fernandez, Seto, or Nieboer does not explicitly wherein the transactional component is a web browser, wherein the transactional relay component is a wireless network interface, the other source comprising a wireless networking device, the other source comprising a wireless device, and the other source comprising digital smart card, makes available the ownership position according to the economic activity of the customer, wherein the ownership position is depending upon the economic activity.

However, a web browser, a wireless network interface, the other source comprising a wireless networking device, the other source comprising a wireless device and the other source comprising digital smart card are will known method/mode of

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communications and identification (smart card). Similarly, it is well known that a partner in business, mutual fund owner or stock holder of a company is an owner of part of the business, mutual fund or company assets which is proportional to his/her holdings. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Fernandez, Seto and Nieboer and include wireless communication system and web browser to use the capability of these new common mode of communication, and accounting system to provide a method to calculate the portion of the ownership of the holdings and adjust the ownership accordingly.

Claims 13-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nieboer in view of Fernandez and Martin et al, 1991, "Basic financial Management", 5th Edition, Prentice Hall Inc., ISBN 0-13-060807-6 (hereinafter Martin).

Re. Claims 33, 38-39 Nieboer discloses monitoring economic activity associated with the individual [see entire document of Nieboer particularly; Abstract; Figures 1-3, 16; C1 L5-L41; C2 L18-L22; C15 L50 to C16 L67];

and limiting the risk associated with the first type of ownership to an amount less than the investment [C3 L15-L21; C11 L1-L60; C19 L64-L67], and wherein the predefined criteria (constraints) is a level of economic activity [col. 2 line 55 to col. 5 line 10]. Nieboer does not explicitly disclose - wherein the economic transaction comprises an acquisition of goods or services from the company, one or more economic



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transactions representing economic activity, and economic activity with the customer for determining entitlement of ownership of stocks in the company, and offering an individual an opportunity to convert the individual's first type of ownership in the entity to the second type of ownership interest based upon predefined criteria, wherein the first ownership interest is preferred stock, and wherein the second ownership interest is common stock.

However, Fernandez discloses wherein the economic transaction comprises an acquisition of goods or services from the company, one or more economic transactions representing economic activity, and economic activity with the customer for determining entitlement of ownership of stocks in the company [see claim 1 - col. 4 line lines 45-65; col. 1 lines 5-21; col. 2 lines 23-36; col. 5 line 47 to col. 6 line 3], and offering an individual an opportunity to convert the individual's first type of ownership in the entity to the second type of ownership interest based upon predefined criteria (purchase rebate, and transferring contribution to investment account) [col. 4 lines 8-57] to provide incentives to customer to participate in rebate program and allow the customers to transfer rebates toward retirement program and also retain the customer base.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nieboer and include wherein the economic transaction comprises an acquisition of goods or services from the company, one or more economic transactions representing economic activity, and economic activity with the customer for determining entitlement of ownership of stocks

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in the company, and offering an individual an opportunity to convert the individual's first type of ownership in the entity to the second type of ownership interest based upon predefined criteria, as disclosed by Fernandez, to an incentive method for consumers to participate in credit based funding of an investment account where the consumer will be able to exchange its purchase credit awards to investment vehicle for retirement account.

Martin discloses wherein the first ownership interest is preferred stock, and wherein the second ownership interest is common stock. (preferred stock or first type ownership and common stock or second type ownership) [see chapter 20 of Martin pages 743-757, specially pages 1 and 747] to allow the individual to convert his/her income type security such as preferred stocks (stable income) to different type of security such as common stocks and benefit from rise in the price of common stock.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure Nieboer and Fernandez and include wherein the first ownership interest is preferred stock, and wherein the second ownership interest is common stock, as disclosed by Martin, to allow the individual to convert his/her income type security such as preferred stocks (stable income) to different type of security such as common stocks and benefit from rise in the price of common stock.

Re. Claims 34-37, Nieboer discloses the step of monitoring taking place through an interconnected network [C1 L5-L13; C1 L32-L33; C2 L42] and wherein the economic

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activity is effectuated by a network appliance (terminal) [C22 L47-L50]. Nieboer does not explicitly disclose monitoring occurring over a web browser, and wherein the economic activity is effectuated by a wireless device. However, web browsers and wireless communication systems are well known, and it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Nieboer, Fernandez and Martin to include wireless communication system and web browser to use the capability of these new common mode of communication which provides the user more flexibility to trade remotely.

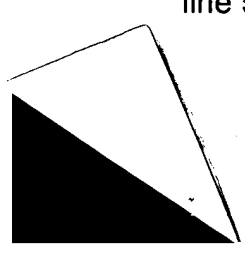
Re. Claim 41, Martin further discloses wherein the first ownership interest has an expiration time [Page 745] to allow the owner to convert the security before number of years have passed. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nieboer and Fernandez and include an expiration time for the first ownership interest to allow the owner to change the security per specified time stated in original issue.

Re. Claims 42-47, Nieboer discloses the step of limiting the risk comprising investing a portion a proceeds from the investment into a fixed income investment (bond) [C1 L5-L13; C15 L50 to C18 L50], the step of limiting the risk comprising investing a portion a proceeds from the investment into a bond (treasury to bonds) [C1 L5-L13; C15 L50 to C18 L50], the step of limiting the risk comprising investing a portion of the amount of investment with a guarantor (option trader) [C1 L5-L13; C15 L50 to C18 L50]. Nieboer,

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Fernandez or Martin explicitly discloses the step of limiting the risk comprising securing a financial guarantee from a third party, wherein the amount less than the investment is zero, and wherein the amount less than the investment is less than 20% of the investment amount. However these are well-known features to one skill in the art of trading. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosures of Nieboer, Fernandez and Martin and specify the risk level, which is acceptable to investor (trader) in case of losses.

Re. Claim 13, Nieboer discloses a transactional reception component that receives information on an economic transaction relating to an individual [Figure 1 # 1; C4 L5-L10], a transactional processing component, communicatively coupled to the transactional reception component, that determines in what form the individual may participate in ownership of the company [C1 L5-L13; C1 L32-L33; C2 L40-L44; C22 L47-L50], and the risk associated with the first form of ownership being limited to a predetermined amount, the predetermined amount being less than an initial investment of the individual in the first form of ownership [C3 L15-L21; C11 L1-L60; C19 L64-L67], and a data storage medium, communicatively coupled to the transactional processing component, that stores information on ownership rights in the company relating to the individual (database) [C8 L18] and level of economic activity (conditional offer and number of items ... relevant activity) [C3 L48-L67; also C1 L5-L41; C2 L18-L22; col. 2 line 55 to col. 3 line 21; C15 L50 to C16 L67]. Nieboer does not explicitly disclose



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wherein the economic transaction comprises a purchasing or ordering of goods or services from the company, one or more economic transactions representing economic activity, and the transactional processing component determining that the individual is entitled to convert a first form of ownership in the company to a second form of ownership.

However, Fernandez discloses wherein the economic transaction comprises a purchasing or ordering of goods or services from the company, one or more economic transactions representing economic activity and according to level of the economic activity [see claim 1 for reference] to provide incentives to customer to participate in rebate program and allow the customers to transfer rebates toward retirement program and also retain the customer base. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nieboer and include economic transaction as disclosed by Fernandez, to an incentive method for consumers to participate in credit based funding of an investment account where the consumer will be able to exchange its purchase credit awards to investment vehicle for retirement account.

Martin disclose the transactional processing component determining that the individual is entitled to convert a first form of ownership in the company to a second form of ownership (preferred stock or first type ownership and common stock or second type ownership) [see chapter 20 of Martin pages 743-757, specially pages 1 and 747] to allow the individual to convert his/her income type security such as preferred stocks (stable income) to different type of security such as common stocks and benefit from

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rise in the price of common stock. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Nieboer and Fernandez and include determining that the individual is entitled to convert a first form of ownership in the company to a second form of ownership as disclosed by Martin, to allow the individual to convert his/her income type security such as preferred stocks (stable income) to different type of security such as common stocks and benefit from rise in the price of common stock.

Re. Claims 20-21, Martin further discloses wherein the first form of ownership is a preferred stock, and wherein the second form of ownership is a common stock [Martin - pages 743-757, specially pages 1 and 747]. to allow the individual to convert his/her income type security such as preferred stocks (stable income) to different type of security such as common stocks and benefit from rise in the price of common stock.

Re. Claims 14-16 and 19, Nieboer, Fernandez or Martin explicitly discloses wherein the transactional reception component is an interface to an interconnected network, wherein the transactional reception component is a mass storage device reader, and wherein the transactional reception component is a keyboard, and wherein the data storage medium is a semiconductor memory. However these are found in most client/server system (e.g. online trading systems).

Re. Claims 22-23, claims 22-23 are rejected with same rational claim 42-47.

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Re. Claims 24-27, claims 24-27 are rejected with same rational as claims 13-16.

Re. Claim 30, claim 30 is rejected with same rational as claim 19.

Re. Claims 28, 31 and 32, claims 28, 31-32 are rejected with same rational as claim 17, 20-21.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

Krank, Linda "Database marketing--the simplistic approach"; Financial Marketing , v 32 , n 3 , p 1-2+ , 1996 (DIALOG(R) File 268, item 00299514), discloses customer account data is being maintained by an outside service provider, it probably offers data enhancement packages and other marketing services, such as ad hoc reporting, fulfillment of marketing materials, etc. The budget for these services will vary with the size and complexity of your data. However, since it is your data, you may request a "data dump," which is really just a basic file of raw customer information (name, address, social security number, and types and balances of accounts). You, or anyone on your staff with commercial database software on their PC (dBase, Foxpro, Access, Paradox, etc.), can "upload" the raw data and begin the building process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass  
Examiner  
Art Unit 3693

*Harish T Dass*

3/19/07